

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAS VEGAS RENTAL & REPAIR, LLC
SERIES 55,

Plaintiff,

v.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, et al.,

Defendants.

Case No. 2:15-cv-01703-LDG-PAL


ORDER

(Mot Stay – ECF No. 45)

Before the court is Plaintiff's Motion to Stay Proceedings Pending U.S. Supreme Court Determination of *Lightfoot v. Cendant Mortgage Corp.* (ECF No. 45). No opposition has been filed and the time for filing an opposition has expired. This is a quiet title and declaratory relief case involving real property purchased by Plaintiff in an HOA lien foreclosure sale in April 2013. It was initially filed in state court. The Federal National Mortgage Association ("Fannie Mac") allegedly took and recorded an assignment of a deed of trust two years after the foreclosure. Fannie Mac removed the case based on the "sue or be sued" clause of its federal charter, 12 U.S.C. Section 1723a(a). The district judge denied Plaintiff's motion to remand based on the Ninth Circuit's decision in *Lightfoot v Cendant Mortg. Corp.*, 769 F 3d 681, 682 (9th Cir 2014) which the Supreme Court has now accepted for review based on a split in the circuit courts of appeal. Plaintiff argues that the *Lightfoot* case will be dispositive of whether this court has subject matter jurisdiction, and a decision is expected this term in May or June 2017.

No opposition has been filed, the time for filing an opposition has now run, and the request to stay is based on the Supreme Court's consideration of this court's subject matter jurisdiction under the Ninth Circuit's *Lightfoot* decision in light of a circuit split. For good cause shown,

1. Plaintiff's Motion to Stay Proceedings Pending U.S. Supreme Court Determination of *Lightfoot v. Cendant Mortgage Corp.* (ECF No. 45) is **GRANTED**.
2. Counsel for the parties shall have 14 days from the Supreme Court's decision in *Lightfoot* in which to file a joint status report stating the parties' position with respect to the impact of the decision on this case.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE